

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON TUESDAY, NOVEMBER 20, 2018 AT 6:00 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David A. Ulibarri, Jr.
David G. Romero
Barbara A. Casey
Vincent Howell

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Esther Garduno Montoya, City Attorney
Pam Sandoval, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Romero asked for a moment of silence to remember those in our community who had recently passed away, to pray for safe travel during the Thanksgiving holiday and asked for guidance for Council, in making the right decisions for the community.

APPROVAL OF AGENDA

Interim City Manager Ann Marie Gallegos advised that there was a change on the agenda regarding the presentation by Leo Montoya, informing that he would not be presenting on the Mass Casualty Plan until the December Council meeting which would include an approval of resolution, which was required.

Councilor Casey made a motion to approve the agenda as amended. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes for October 10th and October 17, 2018 with amendments. Councilor Romero and Councilor Ulibarri, Jr.

seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENT/REPORTS

Mayor Gurulé-Girón wished everyone a safe and happy Thanksgiving, she thanked everyone for being present at the meeting and informed that City staff would be off half a day on Wednesday, the 21st in observance of Thanksgiving.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Gurulé-Girón advised that this year's Electric Light Parade Grand Marshall was Gonzalo and the first Junior Grand Marshall was Gabriel Sena. She thanked the Community Development staff for the work regarding this year's Light Parade.

Mayor Gurulé-Girón took the opportunity to thank and congratulate the Las Vegas Outlaws and their coaches.

City Clerk Casandra Fresquez read a recognition on behalf of Mayor Gurulé-Girón and the Governing Body recognizing the Las Vegas Outlaws Youth Football Team for their dedication to the sport of football and for representing Las Vegas and the State of New Mexico.

PUBLIC INPUT

Jose Maestas briefly spoke regarding river drainage issues in several areas on the north end of the City. He hoped these areas would be addressed now that he had brought it to the attention of the City Council.

PRESENTATIONS

John Spencer gave a detailed presentation regarding the update for the Tree Board. He presented the 19th Tree City USA Award to the City of Las Vegas from the National Arbor Day Foundation and thanked Mayor and Council for proclaiming and celebrating Arbor Day at El Creston Park, also for their continued support for the City's Tree Board.

Elizabeth Gardner stated that the City of Las Vegas Tree Board was the first and oldest Tree Board in New Mexico.

CITY MANAGER'S REPORT

IT Manager Kenny Roybal gave a brief update regarding the installation of the new phone system.

Utilities Director Maria Gilvarry gave a detailed overview regarding the prior incident of failing filters at the City's Water Treatment Plant that resulted in

limited water supply and production, mostly affecting county residents (Camp Luna). She thanked all the staff members involved in the many tasks and hard work it took to restore the system and added that there was a 24 hour standpipe available to the community, with hopefully the County opening an account to meet needs for their residents as well.

Mayor Gurulé-Girón commended the Utilities Department for their hard work and outstanding job in addressing the issue and made the recommendation of making a plan for the future with the County to ensure that the needs of the community are met in an emergency situation.

Interim City Manager Gallegos thanked Maria Gilvarry as well, for her part in addressing the incident.

Utilities Director Gilvarry announced that Water Treatment Plant Superintendent Don Cole had submitted his letter of resignation and stated that she was losing a tremendous Manager. She advised she was working on having continuous coverage and would be using a firm which consisted of experienced Level 4 operators until the position could be filled.

Utilities Director Gilvary informed they had received the new gas rates from Zia Gas for the City and that the calculations made for cost of service allowed reducing the cost of gas by \$.0.73 per mcf, the lowest rate in over seven years. She advised that the CPI had a partial increase to maintain the cost of service although the reduction due to Zia's lower cost of gas made it an overall reduction of \$.0.73 per mcf.

Interim Community Development Director Virginia Marrujo presented two Top Hat Awards in which the City of Las Vegas was one of the top five finalists from New Mexico Hospitality Association and New Mexico True, which were Tourism Award-Best Digital Campaign 2018 and Outstanding Event-2018 Fourth of July Fiestas. She thanked everyone involved in making the Fiestas a great success.

Interim Recreation Manager Sonia Gomez reported that the boilers were still down at the center although a vendor would be coming in early next week to replace parts.

Interim City Manager Gallegos reported that some of the Legislative requests that had been discussed with Department Heads included:

- Recreation Center Boiler Replacement
- Hot Springs Boulevard Paving Project
- 1997 Rescue Unit Replacement

- Senior Center-Additional Funding for Paving Project
- Wiring of IT Services/Funding for 1-2 Generators
- Funding for Mountain View Dr./Keen St. Projects

Interim City Manager Gallegos thanked Public Works staff for working on Veterans Day clearing snow from streets and parks, she also thanked IT staff for working all weekend on the new phone installation.

FINANCE REPORT

Interim Finance Director Vega presented the Finance Report for the month ending October 31, 2018, reporting General Fund revenue at 30% and expenditures at 26%. She advised that Enterprise Funds revenue came in at 28% and expenditures

were at 20%. Ms. Vega reported the Recreation Department revenues to be at 28% and expenditures at 25%.

Interim City Manager Gallegos advised that the documents previously requested by Councilor Romero were provided and asked if he had any questions.

Councilor Romero thanked her for the documents provided and asked if there was a separate Capital Improvement Budget.

Interim Finance Director Vega advised that it was under Fund 220 and was funded by Capital Outlay GRT.

CONSENT AGENDA

City Clerk Fresquez read the Consent Agenda into the record as follows:

1. Approval to accept funding through the Department of Justice to purchase bullet proof vests through a 50/50 match for the Las Vegas City Police Department.
2. Approval to reject Bid #2019-03 for the Senior Center Service Access Parking Lot Reconstruction.
3. Approval of Resolution #18-45 Budget Adjustment Resolution.

Resolution 18-45 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION 18-45
FISCAL YEAR 2018-2019
BUDGET ADJUSTMENT REQUEST

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2018-2019; and

WHEREAS, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-2019 fiscal year budget; to include an increase of \$305,891 in the E911 Program, an increase of \$174,602 in the 2017 CFP Grant, an increase of \$68,585 in the 2018 CFP Grant, an increase of \$115,190 in Low Rent Housing. Total increase of \$560,763.

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2018-2019;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 20th day of November, 2018.

Tonita Gurule-Giron, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

4. Approval and certification of fixed assets/inventories.
5. Approval of Resolution No. 18-44 to approve and support a request for a one-year extension to FY 2017/2018 Project No. MAP-7647(911).

Resolution 18-44 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 18-44**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY
New Mexico Department of transportation (NMDOT)**

WHEREAS, the Governing Body of the City of Las Vegas support a request for a one year extension to jointly coordinate the grant administered by the New Mexico Department of Transportation (NMDOT).

WHEREAS, the City of Las Vegas and NMDOT have entered into a joint coordinated effort and;

WHEREAS, the Governing Body provides authorization and approval for an extension request of one year, FY 2017/2018: Project No. MAP-7647(911), Control No. L400321, Contract No. D15612, Mountain View from Grand Avenue to 7th Street, due to road and weather delays and;

NOW, THEREFORE, it is respectfully requested that authorization be given of said request to the NMDOT District 4 office for approval of said request.

PASSED, APPROVED, AND ADOPTED this ____ day of November, 2018.

CITY OF LAS VEGAS

TONITA GURULE-GIRON
Mayor

ATTEST:

CASANDRA FRESQUEZ,
CITY CLERK

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance #18-07, amendment to the Official Zoning Map for property.

Councilor Casey made a motion to move into Public Hearing. Councilor Ulibarri, Jr. and Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Perea, Virginia Marrujo, Ralph Marquez, Frances Marquez, Annette Martinez, Mary Rodriguez, Rick Griego, Mike Martinez, Anamaria Armijo-Glenn, Kary Osman, Tara Trudell, Jeanette Islcat, Joan Krohn, Nazca Warren, Rae Dawn Price, Ruth Ramos, Yvonne Sandoval, Lorenzo Martinez, Steve Rodriguez and Alejandra Roa were sworn in.

Planning & Zoning Coordinator Maria Perea advised that Mr. Gilberto Juan Lorenzo Martinez, Owner of a 0.10 acres +/- within Block M, of the Town, now City of Las Vegas, and known as 338 Santa Ana Street, Las Vegas, New Mexico appeared before the Las Vegas Planning and Zoning Commission on October 29, 2018. Mr. Martinez is requesting that said property be rezoned from the present R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone). The applicant's intent is to lease the property to a healthcare cooperative to provide medical care within a "home setting." The cooperative consists of a midwife, a therapist and an acupuncturist.

Mayor Gurulé-Girón asked if any traffic studies had been done within that specific area because of the school.

Planning & Zoning Coordinator Perea advised that no traffic studies had been done in that area.

Ralph Marquez spoke briefly on behalf of his mother's property being near Mr. Martinez' home in regards of opposing the proposed zone change due to safety and several parking concerns in that area. He also mentioned concerns of what would happen after the business would close and what kind of business would go in after and pleaded with Council to listen to the wishes of the neighboring residents.

Frances Marquez a neighbor of Mr. Martinez spoke in regards to being against the proposed zone change due to traffic congestion and limited parking being a hazard, adding there had already been a tragic accident in that area and they did not want to experience that again. She stated they were pleading with Council to leave their historic district alone.

Annette Martinez thanked the Governing Body for their service and spoke briefly of the neighbors family history who live in the area of the proposed zone change. She stated that she felt there was no room for commercial services there and was thankful for Council hearing the neighbors concerns.

Mary Rodriguez advised she had lived on Santa Ana Street for 65 years and was against the zone change due to many parking issues and pleaded with Council to vote against the proposed zone change.

Rick Griego advised he welcomed new business although opposed the zone change due to concerns of traffic and parking issues and emergency situations as well. He recommended finding another location for the business.

Mike Martinez stated that he also welcomed business although spoke in opposition of the business locating to Santa Ana Street due to concerns for the elderly.

Anamaria Armijo-Glenn advised she was in support of the business due to working in the Social Work field. She stated she was there as an advocate for her patients and felt it was a positive resource for women, children and for the community as well.

Kary Osman spoke about the dire need of Behavioral/Mental Health Clinic in this community and stated that although there were parking/traffic issues, felt that the need of health services for community members outweighed those issues and was in support of the zone change.

Tara Trudell stated she recognized parking issues although doubted the clinic for pregnant women would not create that issue. She advised that this was a needed business that should be welcomed by the community and was in support of the proposed zone change.

Jeanette Islcat spoke of the desperate need in this community of Obstetric services, she understood traffic issues and neighbors concerns although explained that the number of clients a day would be limited and they did not want to disrupt the neighborhood. She stated that the business would serve members of our community in having healthy babies, would better the neighborhood and she strongly supported the zone change.

Joan Krohn stated that she strongly supported these women as she supported Midwives, Connie Trujillo and Elizabeth Withnall at the time they were trying to keep their business open, after having to leave Alta Vista Regional Hospital. She saw a great opportunity for a clinic for home births for women and added that they would be very good neighbors.

Nazca Warren supported home birth and felt that this clinic would be set in this ideal location to give mothers services in a home setting, and that the center would add opportunity for women to have home birthing/parenting classes which was limited in the community. She added that this was a wonderful opportunity of rich choices for women, babies and families in Las Vegas.

Rae Dawn Price spoke of the experience she had regarding the need of obstetric care and the many benefits from receiving midwife care. She added that the benefits of having people providing culturally responsive care for women was so important and needed in this community and asked Council to consider approving the zone change.

Ruth Ramos spoke of the community's need of access to mental health/women's health care in a home setting which helps in traumatic situations as she had experienced at the time of the birth of her son and added that this business would

provide that. She stated that we needed to invest in this community and asked Council to keep future generations healthy, safe and thriving.

Yvonne Sandoval Director of El Valle Women's Collaborative/Healthcare Provider for the Cooperative spoke in detail regarding the concerns of the Santa Ana neighbors which included danger and what community they would be serving, she informed they would be serving mothers, children and families with anxiety, depression, postpartum and relationship issues and not acute individuals from the Behavioral Health Center. Ms. Sandoval also spoke in detail regarding children's safety issue concerns and informed they were on the same page regarding safety and added that they met parking requirements and in reality did not need as much off street parking space as they had due to meeting clients on an individual basis due to HIPAA. She stated that they offered wrap-around healthcare as a whole team to one individual, to practice safety and to be good neighbors.

Lorenzo Martinez homeowner of the 338 Santa Ana property gave a detailed report on the history of the home and informed he met these ladies, who were in a desperate situation and was giving them a reduced rate for rent. He stated he wanted to give them a chance to get established.

Steve Rodriguez stated that wrap-around services were needed in the community and appreciated the efforts although he felt that the issue was location due to the congestion in the area, that the issue was not services.

Alejandra Roa spoke of some of the services she had received and benefitted from some of these healthcare providers and mentioned that Las Vegas had recently lost another OBGYN and was in support of this much needed clinic establishing in the City of Las Vegas.

Mayor Gurulé-Girón thanked everyone for providing their testimonies and advised they would weigh them very carefully while making a decision. She added that there were pros and cons and Council had heard each and every statement made.

Mayor Gurulé-Girón remembered and mentioned Midwife, Jesusita delivering many of her family members. She stated that she understood and respected everyone's concerns and hoped everyone could work together with whatever decision the Council made, for the betterment of our future for our families and our children. Mayor Gurule-Giron stated that it was within our culture to take care of each other and asked everyone whatever decision made, to not weigh it as a negative decision but a positive one and always look at what's in the best interest of our community.

Councilor Casey made a motion to accept the record proper. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey made a motion to close Public Hearing and reconvene into Regular session. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Casey stated that she appreciated everyone's input on the pros and cons regarding the zone change and asked Mr. Martinez if the property was on the Historic Register.

Mr. Martinez informed that the property was not on the Historic Register.

Councilor Casey asked Ms. Sandoval if they had spoken to the school's Superintendent about possibly using the area of the portables on Hot Springs Boulevard for parking, to help alleviate parking issues. She asked Ms. Sandoval what her work hours were and if her clients were seen by appointment.

Ms. Sandoval informed that she had not spoken to the school's Superintendent although would be happy to do so. She advised that her work hours were 9:00 a.m. to 6:00 p.m. and clients were seen by appointments.

Councilor Casey stated that one of the concerns was of elderly women living alone and asked what kind of clients would be seen and asked Ms. Sandoval if she planned to build to capacity and if so what kind of capacity would that be.

Ms. Sandoval advised that as several had mentioned, they met with mostly mothers and couples dealing with postpartum, anxiety, depression and family issues. She informed of her credentials and stated that she was only one of a few providers that did EMDR trauma work.

Councilor Howell stated that he believed in advocating for women's health due to being raised by women himself and felt it was very important. He stated that one of the main concerns of the opposition was traffic congestion and recommended that a traffic study be done in that area in order to analyse safety/risk factors.

Councilor Howell brought up another issue that should be addressed regarding the use of the C-1 Commercial Zone after the business would relocate and thought that it would be ideal if the C-1 Commercial Zone could end. He stated that discussion should take place regarding an alternative solution to the location issue which could consist of the City providing a place to lease at a reduced rate.

Councilor Howell asked what would happen if there was an emergency situation at the time the Midwife was delivering a baby.

Ms. Sandoval advised that the Midwife would follow specific protocols that she was trained in.

Lengthy discussion took place regarding Midwife training and safety practices, Midwife Insurance coverage, healthcare services offered and clientele.

Councilor Howell stated that his concern was no traffic study being done and suggested to table this item until a traffic study be done in that area.

Mayor Gurulé-Girón stated that she understood that the majority of births would be taking place in the home. She asked Planning & Zoning Coordinator Perea for her thoughts on the traffic study.

Planning & Zoning Coordinator Perea advised that she would get started on a traffic study if Council wished.

Discussion took place regarding traffic issues and scheduling times at the clinic.

Councilor Ulibarri, Jr. stated that his concern was the citizens, due to traffic and parking issues and felt that the residents should have been more educated beforehand.

Lengthy discussion took place regarding the pros and cons of the proposed zone change.

Councilor Romero stated that parking would be off of Church Street and if there would have to be any parking ordinance changes made.

Planning & Zoning Coordinator Perea explained that they would not have to make any changes regarding the parking ordinance.

Further discussion took place regarding the areas of available parking in the area of Church Street.

Councilor Romero stated that the concern of the location of the business was a big issue and asked City Attorney Esther Garduno Montoya her legal opinion regarding the discrimination against where a business can locate.

City Attorney Garduno Montoya advised that they had the right to rezone a residential to a commercial and stated that if you were asking for the purpose of the commercial, she did not think you could discriminate as to why.

Councilor Romero asked what would happen in the case of emergency during birthing at the clinic at traffic peak time and the concern of an emergency vehicle not being able to get through.

Disagreements among the audience took place regarding several issues at hand.

Mayor Gurulé-Girón called order.

Councilor Romero added that he thought they were all in agreement regarding these services were needed in our community and stated that another concern was, what would happen if the clinic would leave, what kind of other business would move in.

Mayor Gurulé-Girón asked Planning & Zoning Coordinator Perea to explain the difference between commercial zoning and neighborhood commercial zoning.

Planning & Zoning Coordinator Perea read the § 450-125 C-2 Central Business District [Amended 8-17-1983 by Ord. No. 72-5] and stated they would have to meet certain requirements.

Councilor Romero asked Mr. Martinez if it was a long-term lease agreement with the agency.

Mr. Martinez advised it was a one year lease agreement, giving them a chance to get established within the community. He stated that he had bought the property as a retirement home for himself, was renting a home in Montezuma and would be leaving this home to family members. Mr. Martinez stated that he was not trying to gentrify this neighborhood.

Brief discussion took place regarding the zoning for parking on the proposed zone change.

Interim Community Development Director Marrujo informed that it was a Neighborhood Commercial zone which would benefit that neighborhood and advised that they had met all commercial zoning requirements as well and emergency issues had been addressed.

Mayor Gurulé-Girón advised she would take one more question on the issue from Mr. Marquez.

Mr. Marquez advised that they were not against these providers bringing in that service and agreed the community needed it although they were against the location and made the suggestion of possibly approaching commercial land owners.

Ms. Sandoval advised that they had already looked at ten other locations and had not found any that fit their budget and the offer from Mr. Martinez was the one that met their financial needs.

Mayor Gurulé-Girón stated she was closing discussion from the public at this time.

Councilor Casey made a motion to close public hearing and reconvene into regular session. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Interim Community Development Director Marrujo stated that those opposing needed to consider parking issues occurring in business districts as well.

Councilor Casey stated she had given this a great deal of thought, she understood and empathized with both sides and appreciated the input of the neighbors and had hoped they would have understood the purpose of business as she had previously explained to them. She stated that the providers had worked diligently

in looking for a location in Las Vegas, that she believed in midwifery and thought these extra services were needed for mothers, families and children.

Councilor Casey made a motion to approve to adopt Ordinance #18-07, amendment to the Official Zoning Map for property. Councilor Romero seconded the motion.

Ordinance 18-07 was presented as follows:

**CITY OF LAS VEGAS, CITY COUNCIL
ORDINANCE NO. 18-07**

AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-2 (MULTI-FAMILY RESIDENTIAL ZONE) TO A C-1 (NEIGHBORHOOD COMMERCIAL ZONE) FOR A 0.10 ACRES ± PARCEL LOCATED AT 338 SANTA ANA STREET, LAS VEGAS, NEW MEXICO AS REQUESTED BY GILBERTO JUAN LORENZO MARTINEZ, (APPLICANT/OWNER).

WHEREAS, the Mr. Gilberto Juan Lorenzo Martinez, as owner has applied for an amendment to the official zoning map for a parcel located within Block M, of the Town, now City of Las Vegas, New Mexico. Property is 4,507.34 square feet in size (0.10 acres ±) located within T16n, R16e, Section 22, and known as 338 Santa Ana Street, Las Vegas, New Mexico pursuant to provisions of the Las Vegas City Zoning Ordinance, and;

WHEREAS, on October 29, 2018 the City of Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive testimony concerning the amendment of the Official Zoning Map to re-zone above parcel (0.10 acres ±) located within T16n, R16e, Section 22, and known as 338 Santa Ana Street, Las Vegas, New Mexico from an R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone) and on October 29, 2018 adopted a motion recommending approval of the proposed amendment.

WHEREAS, on November __, 2018, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning and Zoning Commission.

NOW, THEREFORE BE IT ORDAINED that the Governing Body of the City of Las Vegas, New Mexico, hereby **GRANTS** the amendment to the Official Zoning Map by re-zoning and changing the district classification of certain property known as a 338 Santa Ana Street and located within within T16n, R16e, Section 22, from an R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone), and more fully described as follows:

Lots 17, 18, 19 and 20, Block 20, of the Lopez, Sulzbacher & Rosenwald
Addition to the El Dorado Town Company

BE IT FURTHER ORDAINED that the Governing Body of the City of Las Vegas, New Mexico, hereby adopts the following findings of fact upon which the Council's decision is based:

1. The boundaries of the zones established by the City's Ordinances, the classification of property herein, or other provisions of said Ordinances may be amended whenever public necessity, convenience, or general welfare require.
2. That duly public notice and public hearings were in accordance with the legal requirements and a site plan for the zone change has been provided which is acceptable to the City Council.
3. That property owner(s) disclose that property is within a flood zone area when property is sold and that elevation certificates will be required for the completion of property development.

PASSED, APPROVED AND ADOPTED ON THIS ____ DAY OF _____, 2018.

ATTEST:

Casandra Fresquez, City Clerk

Tonita Gurulé-Girón, Mayor

**REVIEWED AND APPROVED
AS TO LEGAL SUFFICIENCY ONLY**

City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Councilor Howell stated that before giving his vote, he personally was requesting a formal analysis of a traffic study and he thought it was very important to address this concern if that was not going to happen, then his vote was no. His suggestion was to postpone this item until the December meeting, in hopes of having a completed traffic study by then.

Councilor Romero stated that he did recognize the need for mothers and that his vote was yes and pleaded with the business to work well with the neighbors.

Vincent Howell	No	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	No

City Clerk Fresquez re-read the motion and advised that there was a tie.

Mayor Gurulé-Girón stated that this was a difficult decision, that she had to do what was best for the women in this community, as a woman and a mother, she supported women and that as the Mayor she was making this tough decision, she voted Yes and broke the tie.

City Clerk Fresquez advised that the motion carried.

2. Approval/Disapproval of International Association of Fire Fighters (IAFF) Local 4625 Agreement.

IAFF Management Team member Billy Montoya advised that the City entered into contract negotiations with IAFF for purposes of negotiating a new contract. The International Association of Fire Fighters Local 4625 has ratified and approved collective bargaining agreement between the City of Las Vegas and the Las Vegas NM Professional Fire Fighters Association. He gave a detailed outline of the amended Articles pertaining to the agreement.

Councilor Casey asked questions regarding Insurance Disabilities, Designation of Officers, members or union president in attending meetings, trainings, etc.

Fire Chief Billy Montoya addressed the questions asked by Councilor Casey.

Councilor Howell asked if the negotiating team goes back to union members for a vote regarding bargaining and asked who would and would not be receiving the \$0.75 raise.

IAFF Union President Joseph Garofalo advised that the union members which were all on the negotiating team voted unanimously to move forward and the contract was ratified.

Fire Chief Montoya advised only union members would receive the raise and three Lieutenants and six entry level positions would not receive the \$0.75 raise.

Councilor Casey made a motion to approve the International Association of Fire Fighters (IAFF) Local 4625 Agreement. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Mayor Gurulé-Girón commended Fire Chief Montoya and his staff for all their work in bringing this contract forth, for being considerate and fair to the staff and that demonstrated strong leadership.

3. Approval/Disapproval of the American Federation of State, County and Municipal Employees (AFSCME) Local 2851 Agreement.

AFSCME Management Team member Casandra Fresquez advised that the City entered into contract negotiations with AFSCME for purposes of negotiating a new contract. The American Federation of State, County and Municipal Employees Local 2851 has ratified and approved collective bargaining agreement.

City Clerk Fresquez advised that they had the entire contract to go through so any and all articles were brought to the table from both parties and was a lengthy process. She explained that Darlene Arguello red lined all articles changed, and the new language was in blue. City Clerk Fresquez advised that the Management Team included herself, Darlene Arguello, Don Cole, Commander Pam Sandoval, Barbara Padilla and Tana Vega and the Union Team included AFSCME Representative Sam Chavez, Union President Abraham Maestas and union member Michael Blair, adding that Michael Blair and Abraham Maestas were present earlier although had to leave the meeting.

Discussion took place and questions were asked by Councilor Casey regarding some of the language and changes on the contract which included:

- | | |
|--|--|
| - Article 9: Disciplinary Action | - Page 11: Article 17B Employee Request (Personnel File) |
| - D: Types of Discipline (Progressive) | - page 12 C: Employee Rebuttal (30 days to 7 days) |
| - Article 9: #1 Language/Definition (Reasonably) | |
| - Page 8, C: Grievance/Arbitration Filing Costs | |
| - Article 13: page 10 Rest Period | |

Councilor Casey asked why the language changed from "may" to "shall" on page 6, Article 9, A. Disciplinary Action.

City Clerk Fresquez advised that they cleaned up the language on the contract and that the language meant that Human Resource Department would keep the file separate from the personnel file.

Management team member Darlene Arguello advised that they wanted to keep counseling sessions away from disciplinary actions because they were not really considered a disciplinary action and would keep in a soft file, where it would not come into play with the disciplinary process but refer back to it, showing that at some point they were counseled on the issue.

Mayor Gurulé-Girón stated that she disagreed with Ms. Arguello's statement, "because in H.R., the minute you create a soft file, that is progressive discipline, which would lead up to disciplinary action and up to termination, so your statement here today is inconsistent with the actual process". She asked for the legal opinion from City Attorney Garduno Montoya.

City Attorney Garduno Montoya advised that she would have to do some research on that issue.

City Clerk Fresquez advised that the negotiating team had guidance from Attorney Dina Holcomb who studied Union Negotiations and was involved in the process and explained that she reviewed the entire document, gave her recommendations and they went based off of Ms. Holcomb's recommendations.

Councilor Casey stated that she had been a union member all her working career and she strongly supported unions, and that this language hit her the wrong way.

Brief discussion took place regarding some language on Disciplinary Action, Written Warning and definitions in the contract.

Councilor Romero asked about advisor Dina Holcomb and also asked if the contract would have to go back for ratification if changes were being made to it.

City Clerk Fresquez clarified that their advisor was attorney, Dina Holcomb who had helped in the City's negotiations in years past. She advised that this contract had been agreed upon and ratified by the union although it would have to go back to the table, then ratified.

Some discussion and questions were addressed regarding the changes made to several articles on the contract.

Mayor Gurulé-Girón stated that questions would not be allowed to be answered, and would allow Councilor Casey to ask her questions into the record.

Councilor Casey spoke of her concerns regarding changes to the articles.

Mayor Gurulé-Girón suggested they table this item until next month and hopefully those questions from Councilor Casey which were duly noted on record, would be addressed by then. She suggested to Council to submit any questions in writing pertaining to the contract, to Interim City Manager Gallegos.

Councilor Howell asked for clarification regarding the employee having the right to view their personnel file and stated that their attorneys would have to pay for files if needed at the time of arbitration.

City Clerk Fresquez advised that employees were allowed to view their personnel file and added that they were trying to be consistent with the other union contracts.

Councilor Casey stated that she did not mean to de-rail the AFSCME agreement approval for the employees although in her personal opinion thought it was not fair for the employees and could not support the contract as it was written.

Councilor Romero stated that in any union contract that is negotiated, Council typically sides on behalf of the management team and advised that the management team did a great job regarding the management side although stated whoever fought for the union employees, did not do a good job. He stated that he agreed with Councilor Casey and Mayor Gurulé- Girón and felt that the union team needed to step up for the employees.

Interim City Manager Gallegos advised that she would take the contract back, meet with the union, also with the City Attorney for help on these issues and bring back to Mayor and Council. She informed that the employees salary would be affected, stating they had not received a raise in the last two years and did not know if anything could be done or would have to bring it back next month.

Councilor Romero asked City Attorney Garduno Montoya for her legal opinion regarding if anything could be done legally in giving the employees the \$0.75 raise now, as opposed to waiting for negotiating again with AFSCME.

City Attorney Garduno Montoya thought that they could wait to accept the contract due to only a dozen issues to discuss, which would not take long to meet and bring back to Council.

Interim City Manager Gallegos advised there were would be an additional step which was taking it to the union to be ratified and advised they would move the process quickly, possibly having to call a Special meeting.

Councilor Howell made a motion to table the approval/disapproval of The American Federation of State, County and Municipal Employees (AFSCME) Local 2851 Agreement. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

4. Approval/Disapproval for a salary increase of seventy-five cents (\$0.75) to the regular hourly rate of pay for all non-bargaining unit employees, including part time employees with at least one year of continuous employment with the City, effective the first full pay period after Council's approval.

Interim City Manager Ann Marie Gallegos advised that the City of Las Vegas has been budgeted for the proposed salary increase. The proposed increase is commensurate with increases to AFSCME and IAFF employees.

Interim City Manager Gallegos suggested tabling this item as well, until the AFSCME agreement was approved.

Councilor Romero made a motion to table the approval/disapproval for a salary increase of seventy-five cents (\$0.75) to the regular hourly rate of pay for all non-bargaining unit employees, including part time employees with at least one year of continuous employment with the City, effective the first full pay period after Council's approval. Councilor Ulibarri, Jr. and Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

5. Approval/Disapproval to publish Ordinance No. 18-08, an ordinance granting a franchise to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC.

City Clerk Casandra Fresquez advised that the last cable franchise agreement approved by Council was in 1997. Attorney Danelle Smith had reviewed and approved the attached cable franchise agreement. Ms. Erin Muffoletto with Comcast was present at meeting to answer questions regarding the proposed franchise agreement. If approved to publish, the ordinance will be brought to Council in December for a public hearing and adoption of the ordinance.

Questions were asked by Council regarding Comcast service and addressed by Comcast Representative, Erin Muffoletto.

Councilor Casey made a motion to approve to publish Ordinance No. 18-08, an ordinance granting a franchise to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC. Councilor Howell seconded the motion.

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

6. Approval/Disapproval of Resolution No. 18-46 Adopting the updated City of Las Vegas Meadow City Express-Zero Tolerance Substance Abuse Policy.

City Clerk Casandra Fresquez advised that the Meadow City Express was updating their current policy to reflect updated regulations required by the Federal Transit Administration (FTA) of the US Department of Transportation. She advised that

she had attached the addendums to the policy and stated that the biggest change was changes to the drug testing panel which were four new opioids.

Councilor Casey asked for clarification regarding the effective date of the adoption of Resolution 18-46 being last year and if it served as the base.

City Clerk Fresquez explained that it was the base and addendums are added to the initial resolution.

Councilor Casey made a motion to approve of Resolution No. 18-46 adopting the updated City of Las Vegas Meadow City Express-Zero Tolerance Substance Abuse Policy. Councilor Howell seconded the motion.

Resolution 18-46 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 18-46**

**A RESOLUTION REPEALING AND REPLACING ALL PREVIOUS RESOLUTIONS AND ADOPTING AN
UPDATED CITY OF LAS VEGAS TRANSPORTATION DEPARTMENT (MEADOW CITY EXPRESS) FTA DRUG
AND ALCOHOL TESTING POLICY (ZERO TOLERANCE)**

WHEREAS, the City of Las Vegas Transportation Department (Meadow City Express) is required by the NMDOT Transit and Rail Division to have a FTA Drug and Alcohol Testing Policy in place; and

WHEREAS, upon completion of the Meadow City Express Drug and Alcohol Site Visit it was recommended that this updated FTA Drug and Alcohol Zero Tolerance Policy be created and adopted by the Governing Body, and distributed to MCE employees; and

NOW, THEREFORE BE IT RESOLVED THAT the Governing Body of the City of Las Vegas hereby approved the City of Las Vegas Transportation Department (Meadow City Express) FTA Drug and Alcohol Testing Policy (Zero Tolerance) and directs its distribution to transit employees.

PASSED, APPROVED AND ADOPTED by the City of Las Vegas Governing Body this _____ day of _____, 2018.

City of Las Vegas:

Tonita Gurule-Giron, Mayor

Approved as to legal sufficiency only:

Attest:

Esther Garduno-Montoya, City Attorney

Casandra Fresquez, City Clerk

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

7. Approval/Disapproval of Resolution 18-49 Disposition of Obsolete, Worn-out or Unusable Tangible Personal Property.

Interim City Manager Gallegos advised that the next three resolutions were part of the compliance for the Housing Department.

Interim Finance Director Tana Vega advised that the City of Las Vegas was requesting review and approval of Resolution 18-49 Disposition of obsolete, worn-out or unusable tangible personal property. (NMSA 1978 Section 13-6-1, State of New Mexico).

Councilor Casey asked since this was state statute, was there a definition for tangible personal property and thought that using state statute as a policy was not acceptable to HUD.

Interim Finance Director Vega informed the definition was included in the statute and regarding the use of state statute for HUD, it would be acceptable if the resolution was adopted.

Lengthy discussion took place pertaining to the difference from tangible personal property and fixed assets, state statute policy affecting federal funding and CFR (Code of Federal Regulations).

Interim City Manager Gallegos advised that they could reference and detail some language on the resolution stating "the City would comply with all federal regulations as deemed necessary by the individual program".

City Attorney Garduno Montoya recommended that the language include, "in any applicable federal law".

Mayor Gurulé-Girón stated that an amendment would be made to Resolution 18-49, she would review the amended Resolution and sent to Council for review as well.

Councilor Casey stated that she would like to review the resolution before voting on it and made a motion to table business item 7, approval/disapproval of Resolution 18-49 Disposition of Obsolete, Worn-Out or Unusable Tangible Personal Property until language can be added to the resolution. Councilor Howell seconded the motion.

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

8. Approval/Disapproval of Resolution 18-48 City of Las Vegas Internal Control Policy.

Interim Finance Director Vega advised that the City of Las Vegas was requesting review and approval of Resolution 18-48 City of Las Vegas Internal Control Policy and procedures.

Councilor Casey stated that regarding the Internal Control Policy, page 20, when referencing information, to include the language as to where they can find that information.

Interim City Manager Gallegos advised the language would be added in the future.

Councilor Casey made a motion to approve Resolution 18-48 City of Las Vegas Internal Control Policy with the added language on page 20. Councilor Ulibarri, Jr. seconded the motion.

Resolution 18-48 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 18-48
CITY OF LAS VEGAS INTERNAL CONTROL POLICY**

WHEREAS, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico have developed an Internal Control Policy, and

WHEREAS, said policy was developed on the basis of need and through cooperation with City Administration and elected officials, and

WHEREAS, document has been prepared to demonstrate the internal accounting policies and procedures applicable to the City of Las Vegas, and

WHEREAS, its purpose is to ensure that assets are safeguarded, financial statements are in conformity with generally accepted accounting principles, and finances are managed with responsible stewardship, and is intended to formalize accounting policies and selected procedures for the accounting staff and to document internal controls, and

WHEREAS, it is the majority opinion of this governing body that the City of Las Vegas Internal Control Policy meets the requirements as currently determined, and,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the City of Las Vegas Internal Control Policy.

RESOLVED: In session this 20th day of November, 2018.

MUNICIPAL GOVERNING BODY
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

ESTHER GARDUNO-MONTOYA, CITY ATTORNEY

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

9. Approval/Disapproval of Resolution 18-47 City of Las Vegas Housing Authority Accounting Policy.

Interim Finance Director Vega advised that the City of Las Vegas was requesting review and approval of Resolution 18-47 City of Las Vegas Housing Authority Accounting Policy.

Councilor Howell asked if this was the City's policy or state statute.

Interim City Manager Gallegos stated it was the City's policy.

Councilor Howell made a motion to approve of Resolution 18-47 City of Las Vegas Housing Authority Accounting Policy. Councilor Ulibarri, Jr. seconded the motion.

Resolution 18-47 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 18-47
CITY OF LAS VEGAS HOUSING AUTHORITY ACCOUNTING POLICY**

WHEREAS, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico have developed Housing Authority Accounting Policy, and

WHEREAS, said policy was developed on the basis of need and through cooperation with City Administration and elected officials, and

WHEREAS, document has been prepared to demonstrate the internal accounting procedures for the City of Las Vegas Housing Authority (LVHA), and

WHEREAS, its purpose is to ensure that assets are safeguarded, financial statements are in conformity with generally accepted accounting principles, and finances are managed with responsible stewardship, and

WHEREAS, it is the majority opinion of this governing body that the City of Las Vegas Housing Authority Accounting Policy meets the requirements as currently determined, and,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the City of Las Vegas Housing Authority Accounting Policy.

RESOLVED: In session this 20th day of November, 2018.

MUNICIPAL GOVERNING BODY
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

ESTHER GARDUNO-MONTOYA, INTERIM, CITY ATTORNEY

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

COUNCILOR'S REPORTS

Councilor Ulibarri, Jr. thanked the entire City staff for all their hard work and to enjoy Thanksgiving.

Councilor Casey asked for the status of the Garfield Street issues.

City Attorney Garduno Montoya informed that regarding Garfield Street issues, there was an ordinance brought to council back in 1991 to vacate Garfield Street from Railroad Avenue up to the train tracks. She advised also paperwork was filed with the County Clerk in 1992, indicating it was vacant. City Attorney Garduno Montoya advised that that portion had been vacated and that at the time the ordinance was heard by Council, City employees indicated it would be too costly to maintain that portion. She advised that she recently heard questioning regarding that it should be reversed and that her intent was to meet with who she thought was the property owner, Mr. Baca on what his reasoning was.

Councilor Casey praised all City employees in every department for their work ethic and was proud of all them, and thanked them all and wished everyone a wonderful, blessed and happy Thanksgiving.

Councilor Romero thanked all City employees for their hard work as well and explained that he was there to represent the people of the community and hoped everyone understood the reasoning of his questions. He also stated that at the time of the recent water leak, was out of town and receiving calls with no idea of the situation and asked if Council could be given information and updates at the time of emergency situations in the City, in order to be prepared to answer questions from the community.

Councilor Howell had concerns of snow and ice on the South end of Douglas Avenue near Charlie's Bakery after a snowfall, he asked who was responsible and if it could be addressed.

Streets Superintendent Chris Rodarte explained that the Streets Department was responsible for snow removal and when salting and cindering, a certain temperature is needed in order for it to melt and informed that they also blade the areas, trying to pick up as much as they can.

Councilor Howell stated that he was very appreciative of our City staff and this Administration, even if it sometimes came with struggles, he praised everyone for working well as a team and reminded everyone to be appreciative so that new things can come to us. He wished a happy Thanksgiving to all.

Mayor Gurulé-Girón stated that we needed to be thankful for everything we have, our health and our families and to enjoy loved ones when we do have them. She thanked all the incredible City staff who support each other and wished everyone a happy and safe Thanksgiving.

Interim City Manager Gallegos stated that Department Directors and Managers come together when needed.

EXECUTIVE SESSION

Interim City Manager Gallegos advised there was no need for Executive Session.

ADJOURN

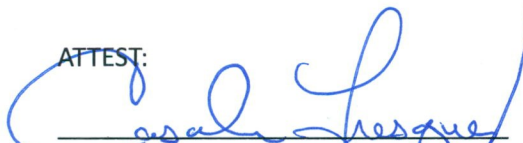
Councilor Howell made a motion to adjourn. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.



Mayor Tonita Gurulé-Girón

ATTEST:


Casandra Fresquez, City Clerk